

**Milton Town Council Meeting
Milton Theatre, 110 Union Street
Monday, December 3, 2007
7:00 PM**

1. PUBLIC HEARINGS were called to order by Mayor Post at 7:03 PM

- a. An ordinance to amend Chapter 18 Article 6 Section 6 Section 18.34 relating to parking on Church Street.

John Brady: The proposed ordinance is to amend Chapter 18 Article 6 section 18.34 subpart N to read as follows; The right hand side of Church Street from the corner of Chestnut Street to Federal Street insert as a new O the remaining part of the section. In essence what this would do would bad on-street parking on the right hand side on Church Street from the corner of Chestnut Street to Federal Street. That's a reading of the ordinance for the public hearing.

Mayor Post: Any public comments? We'll close the public hearing at 7:04 PM. We will reopen the pubic hearing at 7:05 PM

- b. An ordinance to amend Chapter 1 Section 1.21 of the Code of the Town of Milton.

John Brady: An ordinance to amend Section 1.21 of the Code of the Town of Milton whereas the Town of Milton wishes to amend Section 1.21 of the Code of the Town of Milton by deleting the current subparagraph C and replacing thereto as follows: The provision of this code shall apply to any violations of the Town Code of the Town of Milton including the building and zoning codes of the Town of Milton unless a penalty is otherwise provided therefore within that section. Currently there are some sections that don't have a minimum penalty. This establishes in 1.21 the current wording of that section states, a general penalty and the general penalty in 1.21 is a fine of not less than \$50 or more than \$100 plus the cost of prosecution. Currently it does not apply to the building code, the plumbing code of the fire code and this amendment would allow it apply to all the codes of the Town of Milton including the building and zoning codes. That's a reading of the proposed ordinance for public hearing consideration now.

Mayor Post: Any questions from the public? We'll close this public hearing at 7:07 PM. We will reopen the pubic hearing at 7:07 PM for c.

- c. Final proposed Charter changes previously posted on the Town website and discussed with Town Council. This final document will be presented to the General Assembly for their consideration.

John Brady: The final version is dated 11/5/2007 which is 45 pages long. If you wish I'll read all 45 pages into record unless somebody makes a motion to suspend the reading.

C Duby: I make a motion to suspend the reading

C Betts: I second it.

Mayor Post: We have a motion and a second to suspend the reading.

John Brady: This would be the time for the public comment on the final version.

Mayor Post: Any pubic comment?

John Collier: What I have tonight is some issues for housekeeping. One thing I did notice in comparing the new chart to the old chart is the section referencing the establishment of an Alderman or assistant Alderman's office has been removed from the new chart. What I found in three different places that there are still references to Alderman and assistant Alderman. Should they not be removed as well to be in agreement with this? Those are section 22 paragraph c & d and then again in section 23 paragraph one. In section 29 paragraph 25 speaks to this notion and that says gives the Town the right to seize anything for delinquent tax assessment. 7:09PM.....so I thought maybe that should be looked at and possibly addressed. My final comment has to do with Appendix C the public service disclosure declaration form. The sentence says this copy is to be kept on file and updated by each individual so it has to be current to assure its currency. I looked in Webster's and I cannot make currency work in that sentence, but I can make the word accuracy work. I thought maybe it would be prudent to replace it with accuracy.

John Brady: Appendix C accuracy was not supposed to be currency. It was supposed to be accuracy. 22 and 23 Alderman was removed. When I looked at 22 I wrestled with it because I left in where it said if no such Alderman or assistant Alderman has been appointed then it goes to the nearest Justice of the Peace. That's why I didn't change it. 23 at the annual audit if there is no Alderman the current leaning of the Governor is not to create any new Alderman's Courts so that language in 23 probably should get deleted at some point. With regard to 25 & 40 the assessment of taxes in 25, the assessments since it is still pending the case involving the sewer we have to leave that open for the moment.

Mayor Post: Any other comments? We'll close the public hearing at 7:13 PM. Now open at 7:14 the final public hearing for d.

- d. In cooperation with Sussex County Council and the Delaware State Housing Authority to allow citizens an opportunity to participate in the development of an application to the State of Delaware Community Development Block Grant Program.

Bill LeCates, Dir of Dev & Housing: The Block Grant Program is entitlement funded from HUD to the Delaware State Housing Authority. This is based on housing rehabilitation, demolition, code enforcement, infrastructure projects, streets, sidewalks, water and sewer. The guidelines of the program were reviewed. My number is 855-7777 if somebody wants to talk to us tomorrow. We have about 15 on the waiting list currently. Each application is competitive and they go with those that need the funding the most. There is an outside review panel that reviews each application. The funding will start July 1. Since 1989 Milton has received \$979, 705 which include 3 to 4 infrastructure projects and about 75 units have been rehabilitated. Are there any comments from the public?

Rich Miller, Gristmill Drive: Is that open to residential units? Owner occupied?

Bill LeCates: Yes

Rich Miller: A few weeks ago there was a Streets & Sidewalks Committee meeting and I'm wondering if any of these funds could be used for some those participants?

Bill LeCates: The infrastructure would be 51% in that targeted area. More than 51% would have to meet the income guidelines. They will not do maintenance. It is the DSHA policy, not the county. If your code says the homeowner is

responsible for the sidewalk in front of your property, they consider that maintenance. If you had a small street that needed repair, like Mulberry, where several low to moderate income people lived, we helped with that project because of the safety and the school.

C Betts: Would the property owners have to meet these criteria?

Bill LeCates: Absolutely, each and every one. So it is limited to certain areas in most communities. 51% would just get you over the hump. You would be competing against other applications so you certainly would need more. If you do an infrastructure the Town would have to put up funding for that.

Mayor Post: We'll close the public hearings at 7:22 PM

2. Public Participation part of the meeting was opened by Mayor Post at 7:23 PM

Dr. Donald Clendaniel: I would like to request that the Town Council consider authorizing the use of golf carts in the Town. My son has a summer home in Myrtle Beach, SC and we go there every summer. He has a golf cart. I ride it every day and you can go anywhere you want to. The city charges \$25 for the registration of the golf cart. They can ride them anywhere except state highways.

The second thing is I've learned that the state has to put in a special account all the taxes paid by the voters in the State of Delaware. That is used for marine construction. I contacted Rep. Hocker and he referred me to Mr. Charles Williams of DNREC Div of Waterway Mgmt. They said I should bring this to the Town Council and let them consider it.

C Hudson: I have a question for Chief Phillips. Do we have any traffic law that would prohibit golf carts? I noticed that we do have a gentleman that rides a lawnmower from one end of the town to the other. Is there anything to prohibit people from buying a golf cart and running it around town?

C Martin-Brown: Mr. Mayor before we toss this golf cart into the Chief's lap many towns as we just heard have them, but Dr. Clendaniel also said they wouldn't be accommodated on State roads like Federal and Union and 16, I would like to propose that there be some exploration made for this option because it certainly would cut down traffic. I would like to make a proposal and I'm not sure how to proceed.

Mayor Post: You can't make a motion here. If you want to bring it up onto the agenda you can do that once we close.

Patsy Cicala, 118 Broad Street: I'm going to donate a commemorative picture from 200th Anniversary to be used by the Town. And more importantly to be used by the Historical Society to possibly raise money.

Mayor Post: Thank you very much.

Katherine Grieg, 326 Union Street I'm representing the Milton Garden Club. On Saturday about 20 of us met downtown and planted approx 1000 bulbs and cleaned up the flower beds. We will be set up at the Hollyfest on Saturday, Dec 8, at the fire hall selling bunches of fresh greens, centerpieces, Williamsburg style boxwood and magnolia wreaths and all kinds of things. The third thing is approx Dec 10th is the December issue of Shore Living. It used to be called Southern Delaware Today. An article will be featuring the Milton Garden Club so look for that copy of the magazine. The fourth thing

is 20 of us went to Philadelphia on the 11th for the Greening Award. We were given two awards. We will give a plaque to the Town to be displayed in Town hall. We'll be displaying it Saturday at the Hollyfest. Thanks to all of you for your support we really appreciate.

3. Call to Order called by Mayor Post at 7:50 PM.

4. A Moment of Silence was led by C Betts.

5. The Pledge of Allegiance to the Flag was said by all in attendance.

6. Roll Call was called by Mayor Post

C Martin-Brown, C Duby, C Hudson, C Betts, C Prettyman, C Abraham

C Betts, Mayor Post were present.

7. Additions or Corrections to the Agenda

C Martin-Brown: I'd like to add golf carts under New Business.

C Betts: Second

Mayor Post: We have a motion and second, all in favor. Motion carried.

C Hudson: I would like to make a motion under New Business a discussion to form a committee to draft a request for bids to be sent to real estate appraisal firms to appraise all residential and commercial properties in the Town of Milton.

Mayor Post: Do we have a second? No second. The motion dies.

C Prettyman: I'd like to make a motion that all committee reports are done in writing to expedite time so that we would have them prior to the meeting. So when we make a motion we can accept them as written. Any questions could be addressed at that time.

C Duby: Are you suggesting that those written reports also be available to the public?

C Prettyman: Of course, yes.

C Duby: I think sometimes people attending the meeting want to hear the reports and if we accept them as written.

C Hudson: Would we also be able to read the report into the minutes?

C Prettyman: I don't see the purpose of reading the report if we have them in writing and that the Council will approve them as written.

C Hudson: The purpose of having both is that one the report in writing for people who are not here, and two verbal reports for people who are here.

C Prettyman: The same thing happens with P&Z and Board of Adjustments. Those are all written reports. The public can get copies of them. They can see them on the emails. There in the minutes.

Mayor Post: So you want to bring them under written reports as in Agenda item 14.

C Prettyman: We have done that in the past.

Mayor Post: You're saying once those reports are approved they would go on the website.

C Prettyman: Yes

Mayor Post: We have motion, is there a second.

C Abraham: Second

Mayor Post: We have a motion and a second, all in favor, motion carried.

Mayor Post: Do we have a motion to accept the agenda as amended?

C Prettyman: So moved.

C Duby: Second

Mayor Post: We have a motion and second to accept the amended agenda, all in favor, motion carried.

9. Presentation of Minutes for November 5, 2007

10. Approval of Minutes by Council

C Prettyman: I make a motion that we accept the minutes for November 5, 2007 as written.

C Martin-Brown: Second

Mayor Post: We have a motion and a second to accept the minutes of November 5, 2007 as written, all in favor, motion carried.

11. Committee Reports

Parks & Recreation - C Duby the Parks & Recreation Committee has a meeting scheduled for Dec 18 at 6:30 PM at the library. The Town has entered into an agreement with Cabe Associates to handle the request for quotes and putting together the master plan for the park renovations. The purpose of the meeting will be for them to get input from the P&R on that master plan. It's hoped we'll be having another meeting in Jan. to get back what they've done and give them comments.

Economic Development – C Martin-Brown we've begun a dialog, specifically Stephanie Coulbourne, at the request of the Mayor and Town Manager with the Main Street people in Dover, DE. Tonight we'll be hearing about some expansion of the Economic Development Committee. Depending on how the Main Street preparations go we will be reviewing what we need to do with that program as the Economic Development Committee in January. The Town Clerk is looking for a date, perhaps the 2nd or 3rd Wed, for the Economic Development Committee to meet and is open to the public and welcome comments.

Milton Development Corporation – C Betts I want to remind everyone the house tour is Saturday, Dec 8. The theater will be open this week at 9:30 AM to sell the tickets. If you buy them prior to the house tour they're \$10. The day of the tour is \$12. There will be caroling in the park at 7:00 PM on Saturday evening. The tickets for the Christmas musical, Nuncrackers, are selling fast. The show is scheduled for Dec 14th, 15th at 7 PM and Dec 16th at 2PM. On Fri Dec 7th at 7PM the John Milton Poetry begins with Dr. Charles Wagner being presented a bust of the poet John Milton for permanent display at the Milton Theatre. Presenting the bust will be Jamie Brown founder of the John Milton Memorial Celebration of Poet and Poetry and his wife Joanie. The John Milton Poetry Festival also runs on Saturday, Dec 8. On Sunday, Dec 9, it will be in the Federal Street Gallery and Espresso Bar. Don't forget the Milton Theatre will again be holding a pot luck celebration at 6PM on New Years Eve.

Water Committee C Abraham the Water Committee had met on October 30th at the library to discuss 7 billing considerations as well as considering the procedures on how a complaint is filed with the Water Dept. That issue is tabled until our meeting Tuesday, Dec 4 6PM at the library.

Streets & Sidewalks C Betts we held a meeting at the theatre Nov 14 and the Town Manager has a full report.

Health & Environment C Hudson we met on November 27th 6PM at the library. We had a discussion about the value of trees and the need to do a tree survey. They could actually for a dollar value on the work each tree did; they could also put a dollar value on the worth of each tree. We also looked at a sample tree survey and had a short practice on how to do one. Henry Poole from the Dept of Agriculture will be coming as our guest speaker on January 22. He had two foresters come down to Milton and do sample tree

survey. He will show us the results of that; how it's done; how much time it takes; how many people would be involved. In the spring he will come down with all the materials we need and we'll get volunteers, divide the town into sections and start with the public areas and do a tree survey. There is no December meeting. Our next meeting will be January 22 6PM.

Emergency Preparedness C Hudson we met on November 20 6PM in the library. I would like to extend a huge thanks to Michael McNamara, our liaison. Also, Chief Phillips and Corporal Rockwell and other watch management members. You may notice there are signs that are being posted around Town for our neighborhood watch. One thing we're trying to work on is getting a map of the Town with all the street names on it. There will be another training program held in April. There are log forms available to our watch members who are starting to do informal patrols. There will be no December meeting. Our next will be January 15. Through our neighborhood watch Chief Rockwell and through out grants we were able to get Smith & Wesson flashlights when they're out on their patrols so this was one of the things to help with our safety.

Planning & Zoning

C Prettyman: I make a motion to accept the report as written.

C Abraha: Second

Mayor Post: We have a motion and a second, all in favor, motion carried.

Board of Adjustments, Historic Preservation

C Prettyman: I make a motion we accept the report as written dated Nov 2, 2007.

C Duby: Second

Mayor Post: We have a motion and a second, all in favor, motion carried.

12. Town Manager's Report

George Dickerson: The first report is the follow-up to C Bett's Streets & Sidewalks Committee of Nov 14. Some of the sidewalks need to be replaced. Some are in deplorable condition. An assessment was done by Allen and his men determining which needed to be replaced. The ordinance at the original meeting was invitation for those property owners who were identified in two categories. One was major, which means immediate attention needed to be made; second was minor. Those with minor repairs nothing by ordinance would require them to do anything at this time. There were 27 properties identified as major. As defined in ordinance amendment, what is the property owner's responsibility? It is to replace the sidewalk as well as the curb. In talking with the public that night there was several thoughts. The Town's attempt as well as C Betts was to help the property owners. Economy of scale was one thing we look at. If you're going to get a contractor and the Town was going to be involved there were a couple things that needed to be done. First, the issue of who has to do it is clearly on the property owner. The Town would only have to enforce the ordinance. It seemed to be an easier response to have this meeting with the community with both major and minor repairs identified to those property owners who were sent certified letters to attend the meeting. Good discussion came out of that.

We sent out a follow-up letter asking who would want to partner with the Town if we were to look for grants. Unfortunately, for those identified as majors we had a very poor response. We only received approx 37% of those responses back. For the minors we

only received about 23%. The reason we included minors into this equation was that there we could possibly include them in the economy of scale calculation because down the road the minor damage could possible grow into a major repair. At the Nov 14 meeting it was clear that the only thing that can be done at this time is as we look to the future enforcement of the ordinance. The message that was sent that unless the ordinance is enforced there is not going to be any action taken. That doesn't mean that the Town isn't going to still look for grants. One of the good things that came out of the meeting is that George Short, who was in attendance, will be setting a Property Owner Committee to investigate contractors who can make the repairs independent from the Town. I met with George this week to discuss further. He was very happy with one of the quotes CC helped him with. The dollar amounts look fair to me.

Virginia Lucas, our Finance Director, she will be leaving us. We have interviewed 10 people who applied from the ad we put in the paper. Four of those have been chosen for a second round of interviews. Those will be held in mid-December. I will be conducting the second round of interviews.

In Feb we started the complaint process. From Feb thru Nov. the Town Hall has written up 167 complaints. Of those we have completed 164. We only have 3 complaints outstanding. There were 16 violations that were unfounded. Each time someone calls to make a complaint the name is recorded and the nature of the complaint. From there the complaint is sent to the proper department. It has to have a response and we have a tickler file that brings that back to let us know what we should complete.

The Riprap Rocks which are the large rocks along the river. One of the final phases of that is from the marina on Chandler Street which will come up the shoreline closest to the park and go around to the point and connect where the other riprap is. Most of the people in Town know it as the old boat hole. The project will be handled by the Sussex Conservation District. By mid-January they will come in and start that work which is timely. It will be done before we get started in the park. One of the high topics was that the Soil Conservation District will work with the Town and identify and save as many of the trees as possible that stand along there when the put the riprap back in. The Town had a 25% match for this. We have already met that.

We had a pre-bid meeting on Nov 28 at 2:30 PM for the Governor's Walk Extension project. We had 11 contractors who want to bid that job. At that meeting were the contract documents prepared by Cabe Associates. Bids will be opened at 3PM on December 13 at Town Hall.

On Dec 15 we will have a leaf picker-upper machine which will be operated by town people to remove leaves. We ask that people rake their leaves from their property to the end of the roadway (right in the road). At the same time Allen's team will be going over the manholes. This machine has the force to pick leaves out of the storm drains. The machine use is free. This will be posted on the Town's website and be advertised in the paper. The Fire Hall marquee will also show the leaf pick up for Dec 15 since most people see that on a regular basis.

13. Town Solicitor's Report

John Brady: Here is the election schedule for 2008 for the Town of Milton. Notice of election and candidate filing notice will be published on January 18, 2008. Deadline to file for office is February 8, 2008 at 4:30 PM. Deadline to register to vote for those

people who wish to vote in the municipal elections of 2008 is Fri. Feb 8, 2008 at 4:30 PM. Town Hall will be open from 9AM to noon on Saturday, January 19, 2008, and Saturday, January 26, 2008 for residents who wish to register to vote. In order to vote in the Town of Milton municipal elections you must be registered to vote with the Town. That is a separate registration besides your State registration to vote. The Town of Milton maintains a separate voter registration index. The dates just mentioned are from House Bill 410 which went into effect July 1, 2007 for all municipal elections that occur after that date. Next month it will be on the Town Council Agenda under New Business to appoint all those positions; the election judge, the election inspectors and the Board of Election as required by House Bill 410. Absentee ballot provisions are also mandated by a new law. The ballots will be mailed out after Feb 11. Once the candidates have been confirmed at 4:30 PM on Feb 8, and the absentee ballots are published; after that date the ballots must be mailed out within three business days of when they're available and that the entire affidavit for an absentee ballot will be shortly on the Town website. They may be filed before Feb 11, 2008. They must be filed at Town Hall no later than Feb 29, 2008 at 12 noon to get an absentee ballot and vote in person. Absentee ballot cut-offs pursuant to Delaware State Law is 12 noon on Feb 29, 2008 to be delivered back to Town Hall. However, at the location of the election during election hours on March 1, 2008 understanding the polls will be open from 1PM until 6PM absentee may be delivered to that address. Absentee ballots under State Law must be mailed to a person and mailed back or dropped off in person. There is no provision for an absentee ballot to be couriered by a courier service. It has to say U S Mail in the statute. You cannot designate a proxy to pick up for you. That's what I mean by courier. Pursuant to State Law once a candidate files a certificate of intention they have 7 days to notify the Commissioner of Elections to either establish a finance committee or certify that they do not expect to spend more a threshold amount of money for the office. That threshold is in the statute. The Commissioner of Elections website has all the necessary form. They're also on the Sussex County Department of Election website. All of those forms will be available in Town Hall with a packet for anyone who is interested in filing. Those forms will be available by December 15, 2007. I've had a lot of questions come up in Dewey, Bethany, Fenwick and Rehoboth Beach as well as Henlopen Acres about this new law. I've been through one of these already so I just want to go over the new guidelines.

The is an oral argument on the Coalition case against the Town Friday, Dec 7, 11AM in front of Judge Bradley in Superior Court Sussex County. There are settlement negotiations underway in the Chestnut Properties case.

14. Written Reports

Maintenance

C Prettyman: I make a motion we accept the written report of November 2007.

C Martin-Brown: Second

Mayor Post: We have a motion and second, all in favor, motion carried.

Code Enforcer

C Betts: I make a motion to accept the Code Enforcer report as written.

C Prettyman: Second

Mayor Post: We have a motion and second, all in favor, motion carried.

Police Report:

C Prettyman: I make a motion to accept the Police Report dated November 1-19, 2007 as written.

C Duby: Second

Mayor Post: We have a motion and second, all in favor, motion carried.

15. Old Business

a. Final Roll Call vote regarding final proposed Charter to be sent to General Assembly for consideration.

C Abraham: I make a motion that we send the final roll call vote regarding the final proposed Charter to the General Assembly for consideration with the corrections.

C Prettyman: Second

Mayor Post: We have a motion and second. Is there any discussion to the motion?

John Brady: We need to list the corrections in the motion so I have them all correct. That was in section 22 & 23 delete outdated references to Alderman. In appendix C change the word to accuracy from currency. Under section 29 make 25 & 40 the same; either put sewer in both or delete sewer from both. If I understand correctly the consensus is to put sewer in both to make it consistent. Do I have those correct?

C Abraham: Yes you do.

Mayor Post: We have the corrections read into the record. We have a motion and a second on the floor. We will do this through roll call vote.

C Martin-Brown	Yes
C Duby	Yes
C Hudson	Yes
C Prettyman	Yes
C Abraham	Yes
C Betts	Yes
Mayor Post	Yes

Motion carried.

C Duby: Mr. Mayor we haven't discussed the mechanism by which this gets to Dover. Could I suggest that C Betts take it to Senator Adams to begin the process of approval in Dover if she's will to do that?

C Betts: I'm willing.

C Martin-Brown: I'd like to make that a formal motion.

C Duby: Second

John Brady: The normal process that's done is a letter is written by Mayor and Council to the State Senator and the State Representative for the districts for which the Town is located. That letter references in the first paragraph that that the proposed Charter change had public hearing review and was adopted on the date and by the vote total it was adopted by. Two original copies are sent; one to the Senator and one to the State Rep. In this case it would be Senator Thurman Adams, Jr. and Representative V. George Carey. It usually signed by the Mayor attested to by the Secretary of Council. The Senator and Rep talk about who is going to sponsor it and it gets introduced. The Senate Attorney is Tim Willard. The House Attorney who will handle Milton is Patrick Vanderslice or Alex Funk.

C Duby: My suggestion wasn't intended to circumvent that process at all. I was just suggesting that's why I made it a suggestion rather than a motion that we use whatever relationships we have in order to get this passed expeditiously.

C Martin-Brown: I would like to amend my motion. I'd like to make a motion that this package be completed no later than the 14th of December and be transmitted to Dover. In addition to the transmitting of that to Dover before the

20th of December that the Council consider having a designated liaison person for the process; I would like nominate Vice-Mayor Betts.

C Duby: I second

Mayor Post: We have a motion and a second, now let' move into the discussion on the motion with three amendments.

John Brady: The problem is you didn't amend the agenda before we got to this to consider it. There was no public notice you were going to have this process. The only thing I've let you amend for new business would be discussion only with no final vote because the Attorney General's office in all their FOIA opinions recently said you can't amend an agenda to do a final vote with less than 7 days notice by putting it on the agenda. Notwithstanding all those things, I think the suggestions that you've made, if you rescind the motion the Town Manager and Vice Mayor know exactly the consensus of Council to try and get this to Dover as fast as possible. Who the courier should be? Whose health we need to respect and insure during the Holiday Season.

C Martin-Brown: Mr. Brady could then we have a resolution? Since we passed the Charter and it needs to go to Dover could we have a sense of the Council that the package be completed by the 14th of December?

Mayor Post: I would think that we could certainly accept that as a strong recommendation of C Martin-Brown.

John Brady: What I'm suggesting is that that be a statement. There would be no further discussion on the statement. The Town Manager, Town Clerk, Town Solicitor and the Vice Mayor exactly understand what you're saying.

C Martin-Brown: Then Mr. Mayor I have made the statement.

Mayor Post: Now will you rescind your motion?

C Martin-Brown: I will rescind my motion on the basis of my second.

C Duby: I will rescind the second.

Mayor Post: We understand where we stand.

John Brady: I'll draft the letter for the Mayor. I have the resolution for what passed so I will get those things to the Town Manager by the end of the week so that the transmittal can be done. Then I'll ask that copies of all the transmitted documents be shared with all members of Council.

C Betts: I will be glad to take Rep Carey's also.

b. Second reading and Final Vote on Ordinance Amendment Chapter 18 Article 6 Section 6 Section 18.34 relating to parking on Church Street.

John Brady: An ordinance to amend Chapter 18 Article 6 Section 6 Section 18.34 relating to parking on Church Street. Whereas the Town of Milton wishes to amend Chapter 18 Article 6 Section 6 Section 18.34 subpart n to read as follows: After n the right hand side of Church Street from the corner of Chestnut Street to Federal Street and insert as a new o the remaining text in the section. First reading was November 5, 2007. Public Hearing was held on December 3, 2007. That has been the first reading and notice of completion at the public hearing on this ordinance. At this point it's ready for consideration by the Council.

C Duby: I move we adopt this ordinance as amended.

C Prettyman: Second

Mayor Post: We have a motion and a second, any questions? Roll call vote:

C Martin-Brown	Abstain
C Duby	Yes
C Hudson	Yes
C Prettyman	Yes
C Abraham	Yes

C Betts	Yes
Mayor Post	Yes

Motion carried

c. Second Reading and Final Vote on Chapter 1 Section 1.21 of the Code of the Town of Milton.

John Brady: An ordinance to amend section 1.21 of the Code of the Town of Milton. Whereas the Town of Milton wishes to amend section 1.21 of the Code of the Town of Milton by deleting the current subparagraph c and replacing thereto as follows: The provisions of this code shall apply to any violations of the Code of the Town of Milton including the building and zoning codes of the Town of Milton unless a penalty is otherwise provided therefore within the section.

First reading was November 5, 2007. Public Hearing was held on December 3, 2007. This a reading of the ordinance with a result of the public hearing attached.

Mayor Post: Do we have a motion?

C Martin-Brown: So moved

C Prettyman: Second

Mayor Post: We have a motion and second, any discussion? Roll call vote:

C Martin-Brown	Yes
C Duby	Yes
C Hudson	Yes
C Prettyman	Yes
C Abraham	Yes
C Betts	Yes
Mayor Post	Yes

Motion carried

d. Resolution to apply for water facilities planning grant.

C Martin-Brown: So moved

C Prettyman: Second

C Martin-Brown: I rescind my motion

C Prettyman: I rescind my second

John Brady: Resolution for the Town of Milton to apply for water facilities upgrade plan grant. Whereas the Town of Milton is in the process of upgrading it's water facility plan and whereas is desirable that the Town of Milton apply for a grant to assist with the rewriting of this plan and whereas this request for grant assist in the modernization of water facilities within the Town of Milton as to balance out the new users and making sure the infrastructure is appropriate. Now therefore be it resolved by the Town Council of the Town of Milton on December 3, 2007. The Council does vote the request consideration of a grant up to \$12,000 to assist in the preparation of the water facilities resources plan for the Town of Milton by Mayor Don Post. This is a reading of the resolution. It's now available for a motion.

C Martin-Brown: So moved

C Abraham: Second

Mayor Post: We have a motion and a second, roll call vote:

C Martin-Brown	Yes
C Duby	Yes
C Hudson	Yes
C Prettyman	Yes
C Abraham	Yes

C Betts	Yes
Mayor Post	Yes

Motion carried

16. **New Business**

a. Consideration of Community Development Block Grant Program.

John Brady: A resolution endorsing the project to be submitted to the Delaware State Housing Authority for funding from the US Dept of Housing and Urban Development authorizing David B. Baker, Sussex County Administrator submit application. Whereas the Town of Milton resolves to apply for Community Development Funds from the Delaware State Housing Authority in accordance with the appropriate regulations governing Community Development Block Grants State of Delaware Program for Block Grants as contained in Section 570.488.49924 Code of Federal Regulations US Department of Housing and Urban Development and whereas the Town of Milton has met the application requirements of attachment E Delaware Community Development Block Grant Program Policies and Procedure Citizen Participation Requirements and where Sussex County plans on accomplishing the requested projects with Community Development Block Grant funds and whereas the Town of Milton hereby agrees to allow Sussex County to accomplish the progress in the targeted areas of Milton and whereas the Town of Milton in Sussex County are in agreement with this activity now therefore be it resolved by the Town of Milton in Sussex County that they endorse and grant permission for the following application. Application for rehabilitation, infrastructure and demolition to be used for infrastructure projects only. This is the resolution proposed on the December 3, 2007. The Council further gives the Mayor authorization to sign this resolution. This is a reading of the resolution proposed for the Delaware State Housing Authority for funding from the U S Department of Housing and Urban Development.

C Prettyman: So moved

C Martin-Brown: Second

Mayor Post: We have a motion and second, any discussion? Roll call vote:

C Martin-Brown	Yes
C Duby	Yes
C Hudson	Yes
C Prettyman	Yes
C Abraham	Yes
C Betts	Yes
Mayor Post	Yes

Motion carried

b. Discussion Only – Chesapeake City Zoning Amendment Ordinance

C Duby: I put this on the agenda for discussion tonight because I hope this will be part of what I hope will be a broader discussion of the whole issue of how much control the Town has over design standards. This particular ordinance was passed recently in Chesapeake City, MD. Similar ones have been passed in various parts of the country. The one I'm most familiar with is one in Old Town Alexandria in the Washington, DC area. Basically, what it does is allow the Town to impose design standards on chain stores and restaurants. It applies to the type of business that is part of a chain that has 50 or more locations around the country. And owners of those businesses are required by the big business to have uniform menus, design, logos, layouts etc. We're talking about Mc Donald',

Applebee's, Bob Evans; the big kinds of chains. What the ordinance says if you're going to come into our Town we're going to exercise some control over what your store or restaurant is going to look like so that a Town can say you can do this but only this way. The way it's done is not to pass a freestanding ordinance. It would be an amendment to our zoning ordinance. It defines formula business. No building that is built or renovated can be done in Town without being reviewed. The penalties are like a \$500 maximum fine, or imprisonment. What I'm suggesting is that if there is any kind of sense on the Town Council that we want to pursue this. The next step would be to work with the Solicitor to draft an ordinance tailored to our Town.

Mayor Post: We right in the midst of discussing this in the comprehensive plan update. It is on the upcoming agenda again. I would like to recommend this move into a workshop and include a bigger group. George will you work with C Duby to get a workshop pulled together possibly in January or February.

c. Appointment to the Economic Development Committee.

Mayor Post: I had a request for two appointments to this committee; Tom Huff and Sally Harkins.

C Prettyman: So moved

C Betts: Second

May Post: We have a motion and second, any discussion? Roll Call Vote:

C Martin-Brown	Yes
C Duby	Yes
C Hudson	Yes
C Prettyman	Yes
C Abraham	Yes
C Betts	Yes
Mayor Post	Yes

Motion carried.

d. Resolution to make a few changes to the Town fee chart

John Brady: Resolution to adopt a new fee chart for 2008. Whereas the Town of Milton having considered a fee chart as proposed on December 3, 2007 and whereas it's in the best interest of the Town of Milton to adopt a new fee chart for year 2008 as indicated in Exhibit A. Now therefore be it resolved by the Town Council of the Town of Milton the attached fee chart as indicated by Exhibit A is hereby adopted effective Jan 1, 2008. All Changes were read into the record.

C Abraham: The merchant retailer/grocery store doesn't seem to be quite in line with the eating establishments being only \$100/yr but yet we're going to charge a retailer \$200. I think we may be off balance in this area.

There was a lot of discussion about what took place at the workshop and new ideas to make the fee chart fair for small merchants with less than 3000 sq. ft.

George Dickerson: What happens at Town Hall when someone comes in for a license we try to interpret the need with the definitions. When the definition isn't clear they usually end up with me and I have to make the call. If you want to take care of stores with 3000 sq feet might I suggest blending merchant retailer with general services and make that \$100/yr. We're not talking about a lot of revenue sources. It's tougher for us at Town Hall to come up with definitions as to where the category or the store fits in.

Mayor Post: Could we not say merchant retailer at \$125, pull out grocery, and say large business retailer 3000 sq. ft., \$50 for each 1000 sq. ft.

George Dickerson: What do you call the lumber yard? Is the yard included as well as the building?

Mayor Post: If they're selling from their stock like a car dealership, then it would be the entire property.

C Duby: Could I suggest a possible revision. Take merchant retailer and put it in with general services and call it small merchant retailer. Then it would be \$100 for general services or small merchant retailers with the definition being less than 3000 sq ft. Then with grocery put large merchant retailer 3000 sq ft or more and call that large merchant retailer.

Mayor Post: I like that a lot. Would that work with the Town Solicitor? The only change would be to delete grocery.

John Brady: Say we had a small merchant retailer than ha 2,999 sq ft. and we have a retail that has 3001 sq ft. why is there a \$100 difference over 2 sq ft. That's an equal protection argument at that point.

C Martin-Brown: We have a choice. We either table this and go back to the drawing board and give a draft of a revised document or we go with the offering from C Duby because from a legal point of view the splitting of the hairs can go on forever.

John Brady: The issue however all the business licenses expire December 31, 2007. Do we have many merchants that are between 1000 and 2000 sq. ft? Let me try and be practical here. I guessing we have no more than 10 large merchants in the Town. So I think the compromise is out there. If you do a flat fee for retailers it's just a two-tier approach of how you step the retailers. Do you want to do it a 1000 sq ft or less as one price and over 1000 sq ft the second price? That's easier to justify than having a line at 2999 because the lumber yard may take all their inventory out on January 1 and you measure the retail area and they're under the 2999 sq ft and then their above it the rest, but if you go at \$100 for 1000 sq ft, and if it's greater than 1000 sq. ft it's \$150. Then I think you've done what you wanted.

C Duby: So that's \$100 for less than 1000 and \$150 for greater than 1000. I move adoption of the fee schedule as amended.

C Martin-Brown: Second

Mayor Post: We have a motion and a second to accept the fee schedule with the changes, roll call vote:

C Martin-Brown	Yes
C Duby	Yes
C Hudson	Yes
C Prettyman	Yes
C Abraham	Yes

C Betts	Yes
Mayor Post	Yes

Motion carried

e. Golf Carts

C Martin-Brown: I'd like to make a motion to move this new agenda item to the January agenda.

C Prettyman: Second

Mayor Post: We have a motion and a second, any discussion? Roll call vote:

C Martin-Brown	Yes
C Duby	Yes
C Hudson	Yes
C Prettyman	Yes
C Abraham	Yes
C Betts	Yes
Mayor Post	Yes

Motion carried

f. All written reports submitted in writing.

C Hudson: I make a motion we table until the next agenda.

C Abraham: Second

Mayor Post: We have a motion and a second, any discussion? Roll call vote:

C Martin-Brown	Yes
C Duby	Yes
C Hudson	Yes
C Prettyman	Yes
C Abraham	Yes
C Betts	Yes
Mayor Post	Yes

Motion carried

C Duby: Mr. Mayor, can I make one more comment. This relates to the motion that C Hudson made earlier that didn't get the second. I think shortly after the New Year we to set up a workshop on assessment.

Mayor Post: Absolutely

17. EXECUTIVE SESSION: Discuss pending potential litigation and personnel.

18. Adjournment

C Hudson: I make a motion to adjourn

C Abraham: Second

Mayor Post: We have a motion and a second, all in favor, motion carried.

Meeting was adjourned at 9:27 PM